

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DERRICK RANKINE
Plaintiff

vs.

SUPER. SOBINA, et al.
Defendants.

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C.A.No. 03-313 Erie
District Judge McLaughlin
Magistrate Judge Baxter

ORDER

By Order dated June 16, 2004, Plaintiff was granted leave to file a second amended complaint and was directed to serve the new Defendants with all three complaints by U.S. Marshal Service. Document # 42. To date, Plaintiff has not served the second amended complaint.

By Order dated January 18, 2005, this Court directed Plaintiff to show cause before February 10, 2005, for his failure to serve the new Defendants. The order warned that failure to comply would result in the dismissal of these Defendants. Document # 46. To date, Plaintiff has failed to comply.

By Order dated February 15, 2005, this Court again directed Plaintiff to show cause for his failure to serve the new Defendants. The order again warned that failure to comply would result in dismissal for failure to prosecute. Document # 49. To date, Plaintiff has failed to comply.

By Report and Recommendation issued August 1, 2005, the undersigned recommended the dismissal of the second amended complaint based upon Plaintiff's failure to prosecute in that he had never served the second amended complaint on the new Defendants.

In response to the Report and Recommendation, Plaintiff filed Objections claiming that the U.S. Marshal Service would not serve the amended complaints without a special order of this Court. This is the first that this Court has heard of Plaintiff's difficulties with the U.S. Marshal Service.

AND NOW, this 8th day of September, 2005;

IT IS HEREBY ORDERED that Plaintiff serve the second amended complaint on the new Defendants by U.S. Marshal Service before November 7, 2005. A separate service order will be issued today.

IT IS FURTHER ORDERED that Plaintiff serve the original Defendants with the first amended complaint and the second amended complaint before September 20, 2005, if he has not already previously done so.

Failure to comply with this Order will result in the dismissal of the second amended complaint in accordance with the Report and Recommendation issued August 1, 2005.

S/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief United States Magistrate Judge